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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: ECL DEPUTY

UNITED STATES DISCTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Jose Juan ALVAREZ- Garcia Defendant.	Magistrate Case No. '08 MJ 2395 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(ii)- Bringing in Illegal Alien(s) for Financial Gain Title 18, U.S.C., Section 2- Aiding and Abetting

The undersigned complainant being duly sworn states:

Count 1

On or about **August 1, 2008,** within the Southern District of California, defendant **Jose Juan ALVAREZ- Garcia**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Anamari MEDINA-Ortiz and Jeronima HERNANDEZ-Lopez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF **AUGUST, 2008**.

UNITED STATES MAGISTRATE JUDGE

DOA 8/1/08 ECL

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer J. Poplawski, declare under penalty of perjury the following to be true and correct:

The complainant states that **Anamari MEDINA-Ortiz and Jeronima HERNANDEZ- Lopez** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony are material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 1, 2008 at approximately 1334 hours Jose Juan ALVAREZ-Garcia (Defendant) made application for admission into the United States at the San Ysidro, California Port of Entry as the driver of a 1987 Ford Aerostar Van. Two females accompanied the defendant in the vehicle. A Customs and Border Protection Officer (CBP) received a negative declaration from the defendant. Defendant presented two I-551s and one DSP-150 for entry documents. Defendant stated he was going to San Diego. Defendant stated he was not bringing back anything from Mexico. Defendant stated yes when asked by the CBP Officer if this was his vehicle. Defendant stated he had no registration for the vehicle just the title. Defendant stated he had just purchased the vehicle at an auction. The primary CBP officer determined that the driver and passengers were imposters to the documents presented. The primary officer escorted the vehicle and the occupants to the secondary lot for further inspection.

In secondary, the two Hispanic females admitted to being citizens and natives of Mexico with no entitlement to enter the United States. The two female adults are now identified as Anamari MEDINA-Ortiz (MW1), Jeronima HERNANDEZ- Lopez (MW2).

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted he was to pay $2000.00 USD since he was driving the vehicle and stated he was given one week to pay the smugglers the money. Defendant admitted knowledge he presented an I-551document not belonging to him. Defendant admitted he was born in Mexicali Mexico. Defendant stated he was instructed to drive the vehicle to the Palomar exit and wait for someone to pick him up. Defendant stated he was en route to West Covina, California to seek employment. Defendant admits to being apprehended prior to this incident. Defendant states three times he was given discounts since he was the driver and three other times he was paid $200 USD per person he was smuggling into the United States.

Law Enforcement records revealed that the Defendant has been apprehended eight times for attempting to smuggle undocumented aliens into the United States.

On separate videotaped interviews, Material Witnesses declare they are citizens of Mexico who have no legal rights to enter the United States. Material Witnesses stated they were en route to California to seek employment and be with family. Material Witnesses stated they were going to pay a fee of $3000.00 USD to be smuggled into the United States.

EXECUTED ON THIS 1ST DAY OF AUGUST 2008 AT 1900.

J.Poplawski / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe that the defendant named therein committed the offense on **August 1, 2008** in violation of Title 8, United States Code, Section 1324.

MAGISTRATE JUDGE

8/2/08 11:30 am
DATE / TIME